

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK SHAUN LOVEDAY,

Petitioner,

No. CIV S-05-0105 GEB DAD P

vs.

M. YARBOROUGH, Warden,

Respondent.

ORDER

Petitioner, a state prisoner proceeding pro se and in forma pauperis, has filed an amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Since petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to petitioner's amended habeas petition.

On July 9, 2007, petitioner filed an application for the appointment of counsel. For the reasons set forth in the court's September 22, 2006 and June 18, 2007 order, the application will be denied.

On August 3, 2007, respondent requested an enlargement of time to file their response to the amended petition. In light of this order, the request will be denied without prejudice.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Respondent is directed to file a response to petitioner's amended habeas
3 petition within thirty days from the date of this order. See Rule 4, Fed. R. Governing § 2254
4 Cases. An answer shall be accompanied by all transcripts and other documents relevant to the
5 issues presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases;

6 2. If the response to the amended habeas petition is an answer, petitioner's reply,
7 if any, shall be filed and served within thirty days after service of the answer;

8 3. If the response to the amended habeas petition is a motion, petitioner's
9 opposition or statement of non-opposition to the motion shall be filed and served within thirty
10 days after service of the motion, and respondent's reply, if any, shall be filed and served within
11 fifteen days thereafter;

12 4. Petitioner's July 9, 2007 application for the appointment of counsel is denied;
13 and

14 5. Respondent's August 3, 2007 request for an enlargement of time to file a
15 response to the amended petition is denied without prejudice.

16 DATED: August 3, 2007.

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19 DALE A. DROZD
20 UNITED STATES MAGISTRATE JUDGE

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